

**MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

Jerry Lee Douglas v. Superintendent Zee Hyden

THE HONORABLE JOHN W. SEDWICK

3:03-cv-00221 JWS

PROCEEDINGS:

ORDER FROM CHAMBERS

June 13, 2008

In reports at dockets 117 and 120, the magistrate judge recommended Jerry Lee Douglas' petition for a writ of habeas corpus be denied on all grounds advanced, and that the request for an expansion of the record or an evidentiary hearing be denied. At docket 121, this court adopted the magistrate judge's findings of fact with certain exceptions recited in the order and rejected his recommendation to deny the petition on one of the grounds advanced. Unlike the magistrate judge, this court found that Douglas was denied his Sixth Amendment right to effective assistance of counsel and therefore granted the writ. This court did not address the other grounds for relief argued in support of the petition.

Respondent appealed to the Ninth Circuit Court of Appeals. The Court of Appeals reversed this court's decision and remanded for such further proceedings as this court might find necessary. See dockets 147 and 149.

Because this court decided the petition on only one of the grounds advanced by Douglas, this court must now consider the others. To do so, this court turns to and the recommendations from the magistrate judge and reviews them according to the following standard: This court reviews all recommended findings of fact as to which an objection is taken and all recommended conclusions of law *de novo* and reviews all recommended findings of fact as to which no objection is taken for clear error. Applying that standard, this court finds that all of the recommended findings of fact and conclusions of law pertaining to the other grounds for relief and the request to expand the record or conduct an evidentiary hearing are correct and hereby adopts them. Based thereon, the petition is **DENIED**.
